



**Flathead County**  
**Planning & Zoning**  
1035 1<sup>st</sup> Ave W, Kalispell, MT 59901  
Telephone 406.751.8200 Fax 406.751.8210

**PLANNED UNIT DEVELOPMENT OVERLAY APPLICATION**

*Submit this application, all required information, and appropriate fee (see current fee schedule) to the Planning & Zoning office at the address listed above.*

**FEE ATTACHED \$ 4150.00**

**DEVELOPMENT NAME:** Rosewater Subdivision

**OWNER(S) OF RECORD:**

1. Name: Score Management, LLC, Attn: Bill Tanner Phone: (406) 250-4482
2. Mail Address: 688 Echo Lake Road,
3. City/State/Zip: Bigfork, MT 59911
4. Email: \_\_\_\_\_
5. Current zoning: SAG-5, PUD overlay requested: Yes
6. Type of PUD: X Residential \_\_\_\_ Commercial \_\_\_\_ Industrial \_\_\_\_ Marina \_\_\_\_ Mixed use

**APPLICANT/TECHNICAL/PROFESSIONAL PARTICIPANTS:**

Name: Sands Surveying, Inc, Attn: Eric Mulcahy Phone: (406) 755-6481  
Mailing Address: 2 Village Loop  
City, State, Zip: Kalispell, MT 59901  
Email: eric@sandssurveying.com

Name: TAT Inc., dba Carver Engineering, Inc, Attn: Tom Cowan Phone: (406) 257-6202  
Mailing Address: 1995 3<sup>rd</sup> Avenue East  
City, State, Zip: Kalispell, MT 59901  
Email: chappie@carvereng.com

**PLEASE PROVIDE THE FOLLOWING INFORMATION ABOUT THE PROPERTY UPON WHICH THE PUD OVERLAY DISTRICT IS REQUESTED:**

- A. Address of the property: 1535 Rose Crossing
- B. Legal Description: Assessor's Tracts 1, 1A, and 9A  
[Lot and Block of Subdivision or Tract #(s)]  
20- 29 - 21  
Section Township Range (Attach sheet for metes and bounds)
- C. Total acreage: 154.023 (must contain at least 2 acres)



- D. Is the PUD located where public and private facilities and services are available or will become available by the time development reaches the stage where they will be required? The development proposes to use on-site sewer and Evergreen water services. Presently the property is not located within the Evergreen Water District but the property is adjacent to the District and proposes annexation if the subdivision and PUD are approved.
- E. Is the property under single ownership? Yes

**PLEASE DISCUSS THE PROPOSAL IN RELATIONS TO THE FOLLOWING REVIEW CRITERIA:**

- A. Promoting the Growth Policy: \_\_\_\_\_

The property is within the Two Rivers Neighborhood Plan and designated with a density of 2 to 8 units per acre on the western 2/3rds of the property and one acre densities on the eastern 1/3rd of the property. The following are the applicable Policy Statements (italicized) from the Two Rivers Master Plan Amendment adopted in June of 2005 and discussion in regards to compatibility.

*The Two Rivers Master Plan Amendment area is an area appropriate for urban expansion and development. Urban services and utilities will be identified by the County and be required to be available at the time of the first phase of development. No urban services will be required for rural area designations.*

The proposed subdivision is designated 2/3 urban and 1/3 Rural and Suburban. The developer of this development is not proposing a change to the existing SAG-5 zoning classification but is proposing a PUD overlay to allow clustering of units and the density bonus provision for providing appealing design standards and open space. The developer is proposing to utilize Evergreen water as it is the vicinity of the development however sewer service is over a mile away and the project area is not in the sewer district boundary of Evergreen.

*The residential areas within the Two Rivers Master Plan Amendment should be designated to provide residential density of up to four dwelling units per acre with a higher density allowed with a provision for open space and/or park areas as part of an integrated development plan*

The subdivision density is approximately 2.6 dwelling units per acre and with the proposed PUD there is 64.24 acres in common area/open space or 41% of the site. If we include the 27.00 acres ponds in the common area/open space there is a total of 91.24 acres or 59% of the site open.

*As development in the area occurs an adequate provision be made for parks, recreation and open space areas that can be used on a regional, community, or neighborhood level.*

The subdivision is creating a significant recreational amenity and although private, it will be used by the residents of the subdivision. In addition the large common area/open space parcels will provide visual amenity for the neighboring properties.



During the review of a specific development proposals, an adequate provision be made for the future expansion and connection of roadways in the area to insure that a grid street system can be established and that adequate upgrades to existing roads such as Rose Crossing and Whitefish Stage Road are made or can be made in the future including provisions for 120' right of way on Whitefish Stage Road, a 120' right of way on Rose Crossing and an 80 foot right of way on all other roads in the plan area.

As the developer is not proposing urban densities on the site or a typical subdivision design, the applicant is not proposing road connections to other properties. However, the proposed design allows the developer to create a large common area/open space on the Rose Crossing frontage which would enable to County in the future to acquire 30' of additional right-of-way across the frontage.

Some of the properties within the Two Rivers Plan amendment area are environmentally sensitive and will require special consideration in order to mitigate potential impacts to groundwater, surface water, and scenic environment. Those mitigation measures shall be identified and made part of the project review process and specific development proposals are considered either by the City or the County.

The Two Rivers Plan Map identified areas along the river as sensitive with a green open space designation. The Rosewater subdivision does not have any river front lands. However, the proposed design creates a large common area/open space buffer between the residential use and the eastern property boundary. The clustered approach to the development design creates numerous common areas the benefit the scenic environment. As addressed previously in this report, numerous testholes have been dug or bored around the development site for the purpose of document the groundwater. A nondegradation analysis is included in the report to address the long term impact of on-site wastewater facilities on the groundwater and nearby surface waters.

A fifty foot minimum setback shall be required from the high water mark of waterways for any structure.

The Rosewater development does not have any water front on the Whitefish River. The development is designed so that the closest residential lots is over 1100 feet from the river.

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- B. Extent to which the plan departs from the underlying zone and the subdivision regulations including but not limited to density, bulk and use, and the reasons why such departures are not detrimental to the public interest: \_\_\_\_\_

The proposed Rosewater PUD departs from the underling SAG-5 zoning classification in the following ways: Minimum Lot Size – the average lot size is 0.78 acres; Density – the gross density is 2.65 acres per unit, and Use – the applicants propose a ministorage facility for the sole use of the property owners within the subdivision

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The applicants chose the PUD mechanism in order to cluster lots around a set of proposed ponds that will be used for water skiing and the PUD provisions of the Flathead County Zoning Ordinance allow up to twice the density in exchange for design and open space. The proposed gross density will be 2.65 units per acre but the average lots size is 0.78 acres. Of the 154.023 acres in the subdivision there is 64.24 acres in common area/open space or 41% of the site. If we include the 27.00 acres of ponds in the common area/open space there is a total of 91.24 acres or 59% of the site. The applicant does not propose a deviation from any other part of the SAG-5 zoning provisions.

Although the applications provide draft CC&R's and, these documents are **not** intended to be part of the PUD contract zoning.

- C. The nature and extent of the common open space in the PUD project, the reliability of the plans for maintenance and conservation of open space, and the adequacy of the amount and function of the open space: \_\_\_\_\_

The applicants own 154.023 acres of land of which 64.24 acres will be in common area/open space and 27 acres will be in ponds. The open space is located primarily of the eastern portion of the property to provide a buffer area to the Whitefish River and neighboring properties and along the Rose Crossing frontage to preserve the visual qualities of the neighborhood from the County Road. The open space areas will be seeded with pasture grasses and maintained with occasional haying and spraying for weeds. The common areas will also provide recreational amenities for the residents of the subdivision such as a club house facility, a volley ball court, tennis court and trail network. The common area and any facilities located within, including the mini-storage facility will be maintained by the HOA of Rosewater.

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- D. The adequacy of the proposals provision for public services, control over vehicle traffic and amenities of light or air, recreation, and visual enjoyment: \_\_\_\_\_

The proposed Rosewater PUD accompanies the Rosewater Preliminary Plat application. The preliminary plat application has as its supporting documentation, an Environmental Assessment (EA) that addresses public services, traffic, recreation dedication, and visual impacts. We submit that the information included in the preliminary plat application is also part of the Planned Unit Development Application and that they are to be reviewed as a package. To provide a conclusion statement to the EA, the Rosewater development

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adequately and in most cases exceeds the provisions for services, access, amenities, and recreational enjoyment.

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E. The relationship of the planned development project to the neighborhood in which it is proposed: \_\_\_\_\_

The proposed Rosewater PUD is designed to accommodate the neighboring character. The development is clustered to provide and preserve lands in common area/open space. The open space along Rose Crossing and the Whitefish River are provided to preserve the rural character. This open space not only benefits the development but it benefits the neighboring property owners and their view.

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F. In the case of a plan that proposes development over a period of years, the sufficiency of the terms and conditions proposed to protect and maintain the integrity of the plan: The applicants are proposing to phase the development. The applicants will construct the project in a two phases and the standard three year approval for each phase along with the potential for extensions and the use of the SIA option will suffice for the development. (See Tab four of the Application Packet for the complete Phasing Plan)

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G. Conformity with the applicable provisions of this chapter: (specifically 3.31.030 4. Use Regulations and 5. PUD Preliminary Plan)

The proposed Rosewater PUD and subdivision is a single family and townhouse residential development with a significant recreational component. The water ski ponds will be used in the snow and ice free months with the prime time being the summer months. The use would be similar to any development located on any of lakes located around the County.

The ministorage facilities also deviate slightly from the underlying zoning however these units are only for use by the lot owners and would not function any differently from the tractor sheds currently located on the property.

As stated previously in this application, the EA which is a required element of the preliminary plat and provides much detail on the environment, access, infrastructure, sewer and water facilities, public services such as police, fire, and schools, and health and safety issues.

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E. The relationship of the planned development project to the neighborhood in which it is proposed: \_\_\_\_\_

F. In the case of a plan that proposes development over a period of years, the sufficiency of the terms and conditions proposed to protect and maintain the integrity of the plan: \_\_\_\_\_

G. Conformity with the applicable provisions of this chapter: (specifically 3.31.030 4. Use Regulations and 5. PUD Preliminary Plan)

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*The signing of this application signifies approval for FCPZ staff to be present on the property for routine monitoring and inspection during approval process.*

Applicant Signature

Date

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